

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 2:22-cr-39-SPC-NPM

DANIEL JOSEPH TISONE

**UNITED STATES' RESPONSE TO DEFENDANT'S
MOTION TO CONTINUE**

The United States is filing this response to the defendant's, Daniel Tisone, motion to continue (Doc. 62) to clarify its position as to a continuation of Tisone's sentencing and to request the Court's assistance with the preservation of assets for restitution. While the United States does not oppose a 30-day continuance of Tisone's sentencing, the United States requests that the Court direct Tisone to provide assurances that all appropriate steps are being taken to preserve the value of certain assets that could be used to compensate the victims, as outlined more fully below.

Tisone first requested to be permitted to voluntarily sell certain assets, including two real properties, for restitution in this case (instead of the United States completing forfeiture of those properties). The properties are subject to forfeiture, but the parties agreed to allow Tisone to sell the properties in order to more quickly maximize the restitution recovery for the victim. Doc. 41. This agreement provides that if any of the assets were not sold by 30 days prior to sentencing, Tisone consents to the entry of preliminary orders of forfeiture for these assets. Doc. 41 at p. 6.

Tisone retained a realtor of his choice in or about June 7, 2022, but no offers have been received on either property. During this time, the United States received information that the properties' mortgages had not been paid on time and that certain association dues were also delinquent. The United States first requested proof that the mortgages were not in arrearage on August 29, 2022. Despite several more requests, the documentation was not provided. The failure to pay the properties' mortgages and other necessary expenses diminishes the properties' values and in turn, harms the victims' recovery.

To assure the preservation of these assets, and if Tisone wants credit at sentencing for acceptance of responsibility, the United States respectfully requests that the Court enter an order requiring Tisone to provide the following documentation within 14 days:

1. Proof that the mortgage on 550 Starboard Drive, Naples, Florida 34103 is current;
2. Proof that the mortgage on 1001 10th Avenue South, #101, Naples, Florida 34102 is current;
3. Proof of payment of all insurance premiums for both properties;
4. Proof of payment of all association fees;
5. Full copies of all policies, including flood policies, for both properties;
6. Notification and proof of any compensation provided by any insurers, FEMA, or government agencies with respect to any damages or loss to the properties.

Further, the United States would also respectfully request that the Court direct Tisone not to take any actions that would diminish the properties values, which would include insuring that all mortgages, property taxes, insurance premiums, and any other outstanding liens and fees are paid on time and do not become delinquent.

Because continuing the sentencing further postpones the United States' ability to forfeit and otherwise secure the properties, the requested assurances are reasonable and necessary. So long as Tisone provides this documentation and assurances, the United States does not oppose a 30-day continuance. Additionally, in light of the amount of time Tisone has already had to sell the properties, delaying the sentencing an additional 90-days could further diminish the properties' values without the assurances requested above.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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